THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6793 of 2007

Dated: 09-04-2007

Between:

Kama Shanker.

..... PETITIONER

AND

The Mandal Revenue Officer, Karimnagar, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6793 of 2007

ORDER:

The petitioner is resident of Peddapalli, Karimnagar District. He ekes out his livelihood by selling tea on the roadside. He allegedly purchased land admeasuring Ac.1.08 gts in survey No.245 situated at Teegalaguttapalli Village, Karimnagar Mandal and District under a registered sale deed 24.01.2004. It is alleged that the staff of first respondent came to the land alleging that the petitioner is in possession of assigned land and threatened to dispossess him. The petitioner alleges that as per the enquiries made by him with the vendor and also in the office of the Registrar, the land is not shown as assigned land and therefore, first respondent cannot dispossess him under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity).

The learned counsel for the petitioner submits that as per Section 5 of the Act, if the land is assigned land, it is incumbent on the part of the District Collector to send a list of assigned lands to the Registrar's office, in which event, all the Registrations in respect thereof are prohibited. As the land in survey No.245 purchased by the petitioner is not included in the list of assigned lands, inference cannot be drawn that the petitioner purchased assigned land. Therefore, he contends that the action of the respondents in trying to dispossess the petitioner is illegal.

The learned Assistant Government Pleader for Revenue (General-T) points out that the Mandal Revenue Officer (MRO) has already passed orders on 29.12.2006, as against which, an appeal is available before the Revenue Divisional Officer (RDO). The attention of this Court is invited to the orders of MRO bearing No.B1/4148/06 dated 29.12.2006, whereunder the land was resumed. Therefore, all the contentions raised here by the petitioner can as well be raised before RDO, who is duly constituted as Appellate Authority under Section 4 of the Act. Liberty is reserved to the petitioner to file appeal within a period of ten days from the date of receipt of a copy of this order and seek appropriate relief from second respondent.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

09th April, 2007

ghn